

REMARKSClaim Status

Claims 1-8, 11-24, and 26-29 will be pending in the application after entry of the above amendments. This paper amends claims 1, 5, 7, 12, 14, 19, 24, and 26; adds new claims 27-29; and cancels claim 10 without prejudice or disclaimer. Claims 1 and 26 are the independent claims of the application.

Allowable Subject Matter

In the Office Action, the Examiner objected to claim 24 as being dependent upon a rejected base claim, but indicated that this claim would be allowable if rewritten in independent form, including all of the limitations of its base and intervening claims. Applicant gratefully acknowledges the notification of allowable subject matter in claim 24. The claim has now been rewritten in independent form, including all of the limitations of its base claim 1. (There were no intervening claims.) Accordingly, claim 24 should now be allowable.

Art Rejections

Claims 1-4, 6, 8, 10, 11, 15-18, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher *et al.*, U.S. Patent Number 5,835,896 ("Fisher") in view of Hill, U.S. Patent

Number 5,970,471 ("Hill"). Claims 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Hill, and further in view of Official Notice. Claims 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Hill, and further in view of Anderson, U.S. Patent Number 6,538,698 ("Anderson"). Claims 12-14 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Hill, and further in view of Godin *et al.*, U.S. Patent Number 5,890,138 ("Godin"). Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Hill, and further in view of Burke, U.S. Patent Number 6,026,377 ("Burke").

Independent claim 1, as amended, recites "personalized auction monitor for personalized auction monitoring of objects from the plurality of independently moving graphical arrays that have been selected for monitoring and bidding by a bidder, wherein the personalized auction monitor is periodically and automatically updated with new status information at user programmable intervals."

Support for the added verbiage reciting "periodically and automatically updated with new status information at user programmable intervals" may be found in the specification, for example, on page 17, lines 2-3. In rejecting this claim, the Office Action asserted that Fisher teaches a means for selecting one or more objects for monitoring, citing Figure 1, item 260. Fisher's item 260 is a pointing device. By itself, it is not a means for monitoring. Indeed, Fisher teaches that "[b]ecause most bidders will not, in general, be accessing the network and viewing the merchandise catalog pages as they are updated with new high bids, the system may send electronic mail notifications to bidders who have been outbid by the just-placed bid." Fisher, col. 6, lines 46-50. This implies that Fisher's system does not have a monitor for the objects that is updated at user programmable intervals. It appears that Fisher does not teach a personalized auction monitor for personalized

auction monitoring, as recited in claim 1. Applicant respectfully submits that independent claim 1 is allowable over the references at least for these reasons. Independent claim 26 stands rejected on the same grounds as claim 1, and recites limitations identical, analogous, or similar to those discussed above in relation to claim 1. Claim 26 should therefore also be allowable for the same reasons as have been discussed above in relation to claim 1.

Dependent claims should be patentable at least for the reasons applicable to their respective base claims and intervening claims, if any

New Claims

New claim 27 recites the limitation of “wherein the objects in the plurality of independently moving graphical arrays comprise a first object from a first site, and a second object from a second site, the second site being different from the first site.” Support for this limitation may be found in the specification, for example, on page 14, lines 12-15. Applicant respectfully submits that claim 27 is separately patentable because the references do not disclose or suggest such limitation.

New claim 28 recites the limitation of “further comprising means for automatically dropping from the personalized auction monitor the objects that have been selected for monitoring and bidding by the bidder in response to preprogrammed at least one event, wherein the at least one event comprises a first event, the first event causing a selected object to be dropped from the personalized auction monitor in response to a bid for the selected object going beyond a predetermined price.” Support for this limitation may be found in the specification, for example, on

page 15, lines 4-7. Applicant respectfully submits that claim 28 is separately patentable because the references do not disclose or suggest such limitation of dropping items/objects from monitoring.

New claim 29 recites the limitation of “wherein the plurality of independently moving graphical arrays comprises a first array with objects from a first category, and a second array with objects from a second category, the first category being different from the second category.” Support for this limitation may be found in the specification, for example, on page 14, lines 12-15. Applicant respectfully submits that claim 29 is separately patentable because the references do not disclose or suggest such limitation.

Furthermore, in attempting to combine Fisher and Hill, the Office Action relies on the need for side-by-side comparison. Note, however, that such need, even if it were recognized by the hypothetical person skilled in the art, does not justify selection and monitoring of items from different categories, as recited in claim 29. Therefore, Fisher and Hill are not properly combinable to obtain a system that allows monitoring at the same time of different auction objects from different categories.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all pending claims are patentable. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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